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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 66396-049	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>September 19, 2006</u> Signature <u></u> Typed or printed name <u>Patricia A. Balero</u>		Application Number 10/619,187 Filed 7/15/03 First Named Inventor Dennis G. THIBEDEUA Art Unit 2858 Examiner J. Teresinski	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>56,665</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<div style="text-align: center;">  Signature Wei-Chen Nicholas Chen Typed or printed name 650.813.5092 Telephone number September 19, 2006 Date </div>	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".			
<input checked="" type="checkbox"/> *Total of <u>8</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No.: 066396-0049

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Customer Number: 20277
Dennis G. THIBEDEAU, et al.	:	Confirmation Number: 4957
Application No.: 10/619,187	:	Group Art Unit: 2858
Filed: July 15, 2003	:	Examiner: J. Teresinski
For: TESTING AND DISPLAY OF ELECTRICAL SYSTEM IMPEDANCE	:	

CERTIFICATE OF TRANSMISSION (UNDER 37 CFR 1.8(a)(1))

I hereby certify that on September 19, 2006, this document and all listed attachments are being transmitted via facsimile to (571) 273-8300, Attn: Mail Stop AF, known to me to be the USPTO Patent Central FAX Number. At Palo Alto, California.


PATRICIA A. BALERO**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appeal has been taken of the rejection of claims 1-7 and 30-32 in the final Office Action dated May 19, 2006.

Claims 1, 2, 5, 7 and 30-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Palmisano et al. (U.S. Patent Publication No. 2003/0017753) in view of Bramwell (U.S. Patent No. 6,097,193). Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as unpatentable over Palmisano and Bramwell and further in view of Bertness (U.S. Patent No. 6,172,505). Claim 6 stood rejected under 35 U.S.C. §103(a) as unpatentable over Palmisano and Bramwell

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and further in view of Hager et al. (U.S. Patent No. 6,384,614). The rejections are respectfully overcome in view of the remarks presented herein and in Applicants previous responses.

The Obviousness Rejections of Claims 1-7 and 30-32 Are Traversed

Claims 1, 2, 5, 7 and 30-32 were rejected as being unpatentable over Palmisano and Bramwell. The obviousness rejection is respectfully traversed because the cited documents cannot support a prima facie case of obviousness.

Claim 1 describes that a testing device for a vehicle system circuit that measures the impedance, conductance or admittance between circuit points, and displays the impedance, conductance or admittance as measured in real time.

In rejecting claim 1, the Examiner asserted that Palmisano described in paragraph 29 a display 728 for displaying in real time the impedance as measured. See page 2 of the Office Action. However, paragraph 29 of Palmisano does not describe that measured impedance is displayed in real time, as described in claim 1. Other part of Palmisano also fails to teach this feature. Therefore, even if Palmisano and Bramwell are combined according to the Examiner's construction, the combination of documents does not meet every limitation of claim 1. Accordingly, claim 1 is patentable.

Claims 2, 5, 7 and 30-32, directly or indirectly, depend on claim 1 and incorporate every limitation thereof. Accordingly, claims 2, 5, 7 and 30-32 are patentable over Palmisano and Bramwell for at least the same reasons as for claim 1, as well as based on their own merits.

Favorable reconsideration of claims 2, 5, 7 and 30-32 is respectfully requested.

Claims 3, 4 and 6 indirectly depend on claim 1 and were rejected as being unpatentable over Palmisano and Bramwell, in combination with Bertness or Hager. However, Bertness and

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Hager were relied on by the Office Action for their purported discussions related to providing DC voltage amplifiers or extension means. Thus, Palmisano and Bramwell, even if modified by Bertness or Hager as asserted by the Examiner, do not meet every limitation of claim 1, all of which are incorporated into claims 3, 4 and 6 by virtue of their dependencies. Therefore, claims 3, 4 and 6 are patentable. Favorable reconsideration of claims 3, 4 and 6 is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP


Wei-Chen Nicholas Chen
Registration No. 56,665

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 WNC:pab
Facsimile: 202.756.8087
Date: September 19, 2006

Please recognize our Customer No. 20277
as our correspondence address.